

Claimant worked for respondent as a bonder for plumbing assemblies for approximately eight or nine years. She then switched positions and began building photo machines. She began having problems with her right elbow and left thumb in late 1995 or early 1996. She initially went to her family physician, Dr. Hugh I. Ekengren. When her condition worsened, he referred her to Dr. Morris. Dr. Morris first saw her March 3, 1997. Dr. Morris eventually did trigger thumb releases on both hands and a carpal tunnel release on the right.

Claimant returned to work for respondent after the surgeries and makes no claim for work disability. The dispute on appeal relates to the difference between the functional impairment rating by Dr. Mills and the functional impairment rating by Dr. Morris. Dr. Morris rated the impairment on the right as 5 percent of the right upper extremity but concludes claimant has no functional impairment on the left. Dr. Mills, on the other hand, diagnoses bilateral carpal tunnel syndrome as well as ulnar nerve entrapment. Both doctors indicate their ratings are given pursuant to the Fourth Edition of the *AMA Guides to the Evaluation of Permanent Impairment*.

After reviewing the testimony by both physicians, the Appeals Board agrees with the findings by the ALJ and adopts the rating by Dr. Mills. Respondent cites the hypothetical found on page 19 of the Fourth Edition of the *AMA Guides* relating to repetitive trauma injuries. The hypothetical suggests that if claimant's repetitive use of the upper extremities produces symptoms which resolve once the activities cease, the claimant may have no functional impairment even though it is recommended the claimant find another type of work.

The facts in this case differ from the hypothetical. First, the evidence suggests claimant's symptoms did not completely resolve. In addition, there is a credible diagnosis of bilateral carpal tunnel syndrome. This diagnosis was also the diagnosis given by claimant's family physician, Dr. Ekengren. The Board therefore agrees with and adopts the ALJ's conclusion that claimant has a 14 percent permanent partial general impairment. The Board also notes that both physicians recommended bilateral restrictions.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award by Administrative Law Judge Jon L. Frobish entered June 12, 1998, should be, and the same is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of September 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: David M. Bryan, Wichita, KS
Robert G. Martin, Wichita, KS
David L. Vogel, Wichita, KS
Jon L. Frobish, Administrative Law Judge
Philip S. Harness, Director